

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROBERT LEE SMITH, JR.,

Plaintiff,

Case No. 08-10540

v.

JUDGE GILMAN,

Hon. John Corbett O'Meara

Defendant.

---

**ORDER DENYING  
MOTION FOR RECONSIDERATION**

Before the court is Plaintiff's motion for reconsideration, filed February 25, 2008.

Plaintiff seeks reconsideration of this court's February 22, 2008 order dismissing his complaint as frivolous. Pursuant to Local Rule 7.1(e)(2)(E.D. Mich. Dec. 1, 2005), no response was ordered and no oral argument was heard.

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration which merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant shall not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

LR 7.1(g)(3).

Having filed a motion for reconsideration that presents the same issues ruled upon by the court, Plaintiff has failed to demonstrate a palpable defect by which the court and the parties have been misled. Therefore, it is hereby **ORDERED** that Plaintiff's February 25, 2008 motion for

reconsideration is **DENIED**.

s/John Corbett O'Meara  
United States District Judge

Date: March 14, 2008

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, March 14, 2008, by electronic and/or ordinary mail.

s/William Barkholz  
Case Manager